
HOUSE CONCURRENT
RESOLUTION

REQUESTING A STUDY OF THE IMPACT THAT COMMERCIAL MARINE MAMMAL
WATCHING TOURS MAY HAVE ON COMMERCIAL FISHING IN WATERS OFF
THE WAIANAE COAST OF OAHU.

1 WHEREAS, there are community concerns that commercial
2 dolphin watching tour activities may have an impact on fishing
3 as well as on public safety; and
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5 WHEREAS, for example, commercial akule fishers have
6 reported that dolphin watching boats disperse important
7 nearshore akule schools in the Waianae area; and
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9 WHEREAS, commercial and recreational boaters have also
10 indicated that some commercial dolphin watching tour activities
11 involve people swimming offshore in open water where they are
12 exposed to high speed boat traffic; and
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14 WHEREAS, to identify these and other impacts, and to
15 prevent serious problems from occurring, it is important that
16 DLNR address these concerns in a timely manner; now, therefore,
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18 BE IT RESOLVED by the House of Representatives of the
19 Twentieth Legislature of the State of Hawaii, Regular Session
20 of 2000, the Senate concurring, that the Chairperson of the
21 Board of Land and Natural Resources (BLNR) is requested to
22 establish a Task Force to study the impact that commercial
23 marine mammal watching tours may have on commercial fishing in
24 waters off the Waianae Coast of Oahu and to recommend
25 guidelines so that the commercial marine mammal watching tours
26 and the local commercial fishers can coexist; and
27

28 BE IT FURTHER RESOLVED that the Task Force consist of nine
29 members as follows:
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- 31 (1) One representative from each of the organizations or
32 industries listed below to be selected by the
33 Chairperson:
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- 1
2 (b) The Nanakuli Hawaiian Homestead Association;
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4 (c) The Ko Olina Marina;
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6 (d) The Hawaii Institute of Marine Biology of the
7 University of Hawaii;
8
9 (e) The commercial marine mammal watching tour
10 industry; and
11
12 (f) The Waianae Coast community;
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14 (2) The State Senator from the 21st Senatorial District;
15 and
16
17 (3) The State Representatives from the 43rd and 44th
18 Representative Districts;
19
20 and

21
22 BE IT FURTHER RESOLVED that the Task Force:

- 23
24 (1) Review the literature on marine mammal watching,
25 including its effects on marine mammal behavior;
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27 (2) Review reports on user conflicts between commercial
28 marine mammal watching tours and commercial fishers;
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30 (3) Study the feasibility of issuing commercial use
31 permits for specific rather than unspecified ocean
32 recreational activities off the Waianae Coast; and
33
34 (4) Study the feasibility of establishing a marine mamma
35 watching permit system to better manage ocean
36 activities in waters off the Waianae Coast;
37
38 and

39
40 BE IT FURTHER RESOLVED that DLNR's staff from the Divisio
41 of Boating and Ocean Recreation and the Aquatic Resources
42 Division assist the Task Force, to the extent possible; and

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2 BE IT FURTHER RESOLVED that the Chairperson submit findings
3 and recommendations to the Legislature no later than twenty
4 days prior to the convening of the Regular Session of 2001; and
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6 BE IT FURTHER RESOLVED that a certified copy of this
7 Concurrent Resolution be transmitted to the Chairperson of the
8 BLNR.

09 NOV 00

Task Force To Study The Impact Of Commercial Marine Mammal Watching Tours
On Commercial Fishing Along The Waianae Coast,
established pursuant to HCR 103, HD 1, SD 1., Twentieth Legislature, 200

Waianae Small Boat Harbor Conference Room
85-371 Farrington Highway, Waianae, Hawaii 96792
9:00 a.m. - 12 p.m.

MINUTES
November 9, 2000

1. The meeting was called to order by Mr. Tim Johns, Chairperson, Department of Land and Natural Resources. Mr. Johns welcomed everyone and spoke about recognizing the issue involving commercial marine mammal watching tours and commercial fishing along the Waianae Coast and his desire that the issue not become worse. He asked that the task force focus on the issue so that it would be possible to meet the deadline to submit the report to the legislature.
2. Each of the following task force members introduced themselves.
 - a. Mr. William Aila, Jr., Waianae Coast community representative.
Wants a balance between interests.
 - b. Mr. Kamaki Kanahale, Nanakuli Hawaiian Homestead Assoc. representative.
Duty to protect the land and water.
 - c. Rep. Emily Auwae, State Representative from the 44th Representative District.
Representing Waianae and fisherman.
Mr. Victor Rapoza, Rep. E. Auwae's alternate representative to the task force. Wants to keep existing understanding between the commercial fisherman and the marine mammal tour operators working, may be interested in conducting a commercial marine mammal tour in the future.
 - d. Mr. Kevin Showe, Ko'Olina Marina representative.
Ko'Olina is planning a host of community activities and wants mutually beneficial solutions.
 - e. Rep. Michael Kahikina, State Representative from the 43rd Representative District
Authored HCR 103. The task force would be a start to future local task forces.
Because of the time constraints, narrow study down to only the issues contained in HCR 103. Wants to tie land and ocean together, have things work out for all, stressed democracy, if need to, agree to disagree, but be fair.
 - f. Mr. Carl Jellings, Commercial Akule fishery of Waianae representative.
Thanked existing mammal tours for showing fisherman respect.
 - g. Mr. Victor Lozano, Commercial Marina Mammal Watching Tour Industry representative. Helped author HCR 103. Wants a preventative resolution.

The two task force positions below did not attend the November 9, 2000 meeting

- h. Dr. Paul Nachtigall, Hawaii Institute of Marine Biology of the University of Hawaii representative
- i. Sen. Colleen Hanabusa, State Senator from the 21st Senatorial District.
Absent due to a death in her family, sent her regrets.

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Others present included: Mr. William Blaisdell, Mr. Jim Byrem, Mr. John Creedon, Mr. Armin Cullins, Mr. Mike Fujimoto, Mr. Howard Gehring, Mr. James Gonser, Mr. Tim Johns, Ms. JoAnne Kushima, Mr. Alton Miyasaka, Mr. David Parsons, Mr. Joe Pickard, Ms. Carol She', Mr. Ale Tolentino, Mr. Steve Thompson, Dr. Jeff Walters, Mr. Buzz Willauer, Mr. Ken Williams, and others.

3. Mr. Kamaki Kanahale, Motion: Rep. Michael Kahikina become the chairperson of the task force. Rep. Emily Auwae 2nd. Mr. Tim Johns asks if acclimation is okay, all members say okay. Rep. Michael Kahikina is unanimously selected as chairperson of the task force to study the impact of commercial marine mammal watching tours on commercial fishing along the Waianae Coast established pursuant to HCR 103, HD 1, SD1, Twentieth Legislature, 2000.

4. Chair Kahikina proposes that task force members may have alternate representatives act on their behalf in their absence. Discussion followed. Rep. Auwae and Mr. Johns left at 9:30 am and 9:45 am respectively. Mr. Victor Rapoza alternate task force representative for Rep. Auwae. Mr. Rapoza Motion: Each task force member will name an alternate should they not be able to attend and each alternate has full authority of the designated task force member in their absence and if no member or designated alternate is present, that member will have no vote. 2nd K. Kanahale. Motion passes unanimously.

5. Discussion and consensus on setting a target date of Dec. 15, 2000 for conclusion of the task force. Future meeting dates agreed to as follows: Fri. Nov. 17, 2000 1 pm - 4 pm Waianae Ice House, Waianae Small Boat Harbor, Fri. December 8, 2000 1 pm - 4 pm Ko'Oolina Golf Club banquet room above golf course restaurant. Thur., Nov. 30, 2000 was selected as an additional meeting date if found to be needed during the Nov. 17, 2000 meeting.

6. Discussion of agenda items 4 and 5.

Mr. Lozano - Big Island, Kealakekua Bay, activity resulted in dolphins moving out.

Dr. Jeff Walters, DLNR Aquatic Resources, stated Mr. Mark Lammers was to be Dr. Paul Nachtigall's representative to the task force and had vehicle trouble and as such wasn't present. Waianae coast commercial operators say there is no base line study yet they have the most observations. 4 or 5 mammal tours on the water each day.

Mr. Buzz Willauer, Dream Cruises, rates dolphins 1 -6 from work shops on interaction with dolphins, all operators have these unofficial guidelines.

Dr. Walters, in accordance with the federal Marine Mammal Protection Act, the National Marine Fisheries Service (NMFS) usually takes the lead in protecting marine mammals, such as dolphins, that are not on the endangered species list. Possible federal rules for approaching dolphins in the future. He volunteers to facilitate with the NMFS.

Mr. Rapoza, recommend defer agenda item 4a because of absence of UH task force representative. Agenda item 4b is working by self regulation now, consider proposing permits for tour operators.

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Mr. Lozano, concurs working now.

Mr. Aila., defer agenda item 4a, respect anecdotal information from fisherman and commercial operators, good relationship between existing operators and fisherman.

Mr. Jellings, in past commercial operators ran 10 fathom line into their fishery. Community won't go for 20 boats following the dolphins, wants good recommendations.

Mr. Steve Thompson, DLNR Boating Division, gave an overview of existing Ocean Recreation Management Area (ORMA) rules and pointed out that the Waianae Coast is not a designated ORMA area.

Mr. Kanahele, likes gentleman's agreement vs legislation or DLNR rule making.

Mr. Ale Tolentino, fisherman, gentleman's agreement between scuba/marine mammal tours operators and commercial fisherman works, stay outside 40 fathoms and approach slow, proposes tour boat operators get special license to operate marine mammal watching tour.

Mr. Howard Gehring, DLNR Boating Division acting administrator, public trust discussion, DLNR Boating will work with the community.

Mr. Kanahele, strongly proposes no formal rules, stay with gentleman's agreement. He stated his trust differs from the DLNR's, his is a Waianae trust.

Mr. Showe, government rules are not the answer. Ko'Olina now has one marine mammal tour, been there for about 5 years. Wants well run, maintained, and operated commercial operators with a quiet resort atmosphere. Ko'Olina allows a license for specific activities from Ko'Olina, he is vitally concerned that Ko'Olina doesn't over extend licenses for any one activity. Ko'Olina will voluntarily restrict their marine mammal tour licenses so their existing operators can coexist with and maintain quality standards. Don't let government hold a sledgehammer over their head, lets all work together, supports Mr. Kanahele's position.

Mr. Rapoza, question to Mr. Showe, How many tours okay?

Chair Kahikina, Mr. Tolentino, & Mr. Thompson, discussion on existing operator permit rules that exist in Waikiki.

Mr. David Parsons, DLNR Boating Division, special projects officer, rules can be used for education.

Mr. Lozano, suggests members consider a State operator permit in addition of a US Coast Guard captains license.

Mr. Showe, consider orientation requirement for marine mammal tours captains.

Mr. Rapoza, should be responsibility of owner to train captains.

Mr. Willauer, their operation requires 5 familiarization trips for each captain before letting them be in command.

Mr. Aila, there have been breaches in the gentleman's agreement, now it is back on track. Thinks Ko'Olina must control matters. How well Ko'Olina can manage and control commercial operators coming from Ko'Olina?, for example Morningstar Cruises.

Mr. Showe, agree with Mr. Aila.

Mr. Aila, first step is to create an association of the Waianae community members and Ko'Olina before implementing new commercial operators

Mr. Willauer, posed question to Mr. Jellings, What has happened to the akule catch?

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Mr. Jellings, in beginning could lose \$10,000 per day, this time of year no effect because the fish are not running, since the gentleman's agreement began working the catch is up 1000%.

Mr. Aila, concerned with other commercial activities and moorings affecting akule. Maunaloa Bay is a good example of what increased activities will do to driving out the fish.

Chair Kahikina, recommend consider maintaining a task force and consider looking into other matters.

Mr. Repoza, Motion, create a Leeward Coastal Advisory Council.

Mr. Kanahele, 2nd.

Motion passes unanimously.

7. Mr. Kanahele, Motion, move to accept the structure of the report per agenda item 6. Mr. Rapoza 2nd. Motion passes unanimously.

8. Agenda for next meeting.

Mr. Showe asks that the do's and don'ts of the gentleman's agreement (in writing) be on the next meeting's agenda. Mr. Willauer volunteered to provide a written agreement for discussion.

Members collectively requested that next agenda also include discussion of membership of the Leeward Coast Advisory Council.

Members requested they receive the report from the UH task force representative, preferably in writing, before considering asking Mr. Walters to ask the NMFS to address the task force. Other members expressed no need to be addressed by the NMFS.

9. Chair Kahikina requested that each task force member provide him with any designated alternative representatives by fax.

10. Chair Kahikina opened meeting to public for any further comment. There was none and it was acknowledged that the chair allowed public comment throughout the meeting.

11. Meeting adjourned 12:00 noon.

Respectively submitted,


Stephen Thompson

17 NOV 00

**Task Force to Study the Impact of Commercial Marine Mammal Watching Tours on
Commercial Fishing along the Waianae Coast**

Established Pursuant to HCR 103 HD 1 SD 1
Twentieth Legislature, 2000

MEETING

Friday, November 17, 2000
1:00 - 4:00 PM
Waianae Ice House, Waianae Small Boat Harbor
85-371 Farrington Highway, Waianae, Hawaii 96792

AGENDA

1. Welcome by Representative Michael P. Kahikina, Task Force Chairperson
2. Introduction of Task Force Members
Round table introductions, Task Force members introduce themselves.
3. Chairperson acknowledges any alternate task force representatives as designated by appointed task force representatives.
4. Continued discussion on:
 - a) Review the literature on marine mammal watching, including its effects on marine mammal behavior;
 - b) Review reports on user conflicts between commercial marine mammal watching tours and commercial fishers.
5. Discuss draft agreement between fisherman and commercial marine mammal tour operators.
6. Discuss make up of membership of Leeward Coastal Advisory Council.
7. Discussion of agenda for next meeting
8. Confirm date(s) for future meeting(s)
9. Public input
10. Adjourn

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On Commercial Fishing Along The Waianae Coast,
established pursuant to HCR 103, HD 1, SD 1., Twentieth Legislature, 200

Waianae Small Boat Harbor Ice House
85-371 Farrington Highway, Waianae, Hawaii 96792

9:00 a.m. - 12 p.m.

MINUTES

November 17, 2000

1. The meeting was called to order by Representative Michael Kahikina, Task Force Chairperson.
2. Task force members present:
 - a. Mr. William Aila, Jr.
 - b. Ms. Nina Fisher, Sen. Colleen Hanabusa's alternate representative to the task force,
 - c. Mr. Carl Jellings
 - d. Rep. Michael Kahikina
 - e. Mr. Kamaki Kanahale
 - f. Mr. Marc Lammers, Dr. Paul Nachtigall's alternate representative to the task force,
 - g. Mr. Victor Lozano
 - h. Mr. Victor Rapoza, Rep. Emily Auwae's alternate representative to the task force
 - i. Mr. Kevin Showe
3. Others present included: Mr. Warren Amaral, Mr. Frank Alexich, Mr. William Blaisdell, Mr. Jim Byrem, Mr. Armin Cullins, Mr. John Creedon, Mr. Steve Martin, Mr. Alton Miyasaka, Mr. David Parsons, Mr. Joe Pickard, Mr. Ale Tolentino, Mr. Steve Thompson, Mr. Buzz Willauer, Mr. Ken Williams, and others.
4. Mark Lammers - Discussion on agenda items 4a & 4b, review of literature on marine mammal watching, including its effects on marine mammal behavior and review reports on user conflicts between commercial marine mammal watching tours and commercial fishers.

Mr. Lammers has done work with spinner dolphins off Waianae and has found their behavior patterns are predicable. Spinner dolphins seek out Makua and Kahe Pt. because of shallow depth and sandy bottom, good for resting.

Literature review by Mr. Lammers -

Big Island study looked at impact of vessels and swimmers on dolphins. Different human actions results in different dolphin behavior, implications aren't clear, can conclude that human activities can influence dolphin behavior. Don't know whether or not that is good or bad.

A New Zealand limited study on the idea of managing whale and dolphin watching was discussed briefly. Sample size of dolphins was small and effect was from only one tour operator, dolphins responded and interacted closely in the beginning of the study but stayed further away from swimmers later in the study.

Marine tours have the greatest impact on humpback whale mothers and calves. There is a demonstrated impact on whales by tour vessels. There is a clear relationship between tour boat operations and marine mammals, can't say how good or bad, maybe bad overtime by causing mammals to go elsewhere.

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Victor Rapoza - Sees more whales and dolphins now than ever before. The whales always come back. Mr. Rapoza sees no problem between tour operators and marine mammals, the whales will always come back.

Mark Lammers - Agrees that more whales exist in Hawaiian waters now, its been documented, humpback whales are making a comeback. Dolphins are different, the dolphin watch industry doesn't keep its distance, the dolphins are actually sought out and engaged.

Victor Rapoza - The Waianae operators follow the gentleman's agreement and because of that the dolphins are always present.

Mark Lammers - There's scientific evidence that human behavior can change the behavior of a dolphin and may have long term consequences, don't know for sure. Spinner dolphins can leave the Waianae coast to open ocean and live quite well. Tour operators may find themselves having to go further offshore to find dolphins within the next ten to fifteen years.

Victor Lozano - Waianae marine mammal tour operators don't operate at the level of Maui marine mammal tour operators, it is manageable off the Waianae coast.

Mark Lammers - Tour group size and number of participants directly affect success, bigger groups may result in a need for additional regulation.

Warren Amaral - Discussed marine mammal operations and how more money and technology has been put into new and better vessels and putting back money into the program to sustain all, protect the animals and the tour operator's livelihoods and educate. Need to protect animals and still allow people to make a living.

Chairperson Kahikina - Noted that Mr. Lammers has stated we need some controls like our agreement.

Mark Lammers - We still need to learn more about the issue. Probably some good ways to conduct marine mammal tours and some bad ways, need to find good way so the industry can be sustained.

David Parsons - Is there a documented rest period for dolphins?

Mark Lammers - 11:000 a.m., to 2 p.m., but this hasn't been published yet.

Kamaki Kanahale - What has been learned from other Hawaiian islands?

Mark Lammers - The marine mammal tour industry is larger than the number of scientists, there is a need for both to work together more. Waianae presents good support and unity for scientists and tour operators to work together.

Kamaki Kanahale - Need checks and balance to preserve the resource in perpetuity.

Victor Lozano - Waianae tour boats go early am to afternoon.

Mark Lammers - Tour operator tactics should be a function of what type of behavior the animal is exhibiting. Time of day and location will play a large role in animal behavior.

Victor Lozano - After 11:30 a.m. - 12:00 noon can't find the dolphins.

Mark Lammers - Don't harass the dolphins by seeking them out during their rest periods, concerned if industry grows.

William Aila - Asked Mr. Lammers to describe a 24 hour day of a Waianae dolphin.

Mark Lammers - 6 p.m move offshore, feed on prey, as it gets later they move closer to shore along with their prey (less than one mile from shore). In the morning they move offshore. When dawn comes they are done feeding, are full, and need rest, using sonar all night to locate

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food to eat is tiring. They spend the night foraging and now need rest time, they look for protected areas so they can rest without using their sonar, they become prey for tiger sharks. Calm clear shallow water aids them while resting by providing protection from sharks. They rest in a group and remain alert to avoid shark attacks. When in the open ocean part of a pod will rest while the remainder of the pod are on guard against predators. Lack of rest creates stress and may effect the dolphins reproduction.

Alton Miyasaka - Asked Mr. Lammers what the spinner dolphins eat.

Mark Lammers - Hatchet fish, 5"-6" squid, not akule.

Victor Repoza - Spotted and bottle nosed dolphin go after bait.

Mark Lammers - Spinner dolphins won't go after bait. Spotted dolphins feed in the day time. Spinner dolphins specifically feed only at night. Spotted dolphins behavior is influenced by spinner dolphins to be safe from sharks. Spinner dolphins stay away from bottle nosed dolphins.

Buzz Willauer - Recommends Kenneth Norris's book titled "The Hawaiian Spinner Dolphin at Kealakekua Bay" on the Big Island of Hawaii.

Mark Lammers - There is no documentation that spinner dolphins eat akule.

Alton Miyasaka - Fishermen may get a bum rap for catching the spinners dolphins food.

Carl Jellings - He's been flying akule spotting aircraft since 1979, he's never seen dolphin feed on schools of akule or halalu.

5. Buzz Willauer - offered draft agreement per agenda item 5, see attachment.

William Aila - Mr. Aila read the draft agreement.

Ale Tolentino - When tour operators see akule or are contacted by fishermen, don't travel inside of fishermen. Akule boats monitor radio channel VHF #68. Mr. Henry Pelekai, akule fisherman, monitors CB radio channel #5.

Steve Thompson - Commented that the draft gentleman's agreement seemed to represent only commercial marine mammal tour operator requirements.

Victor Rapoza - Add in don't come inside of fishermen, go outside (seaward), asked Carl Jellings if there were any other issues.

Carl Jellings - There is some problem with new captains. Don't have captains drive thru shallows even when akule boats aren't there. He estimated that approximately 1200 trips a year of tour boats going to Makua will cause fish schools to break and reform and will affect their spawning, 40 fathoms is good.

Victor Lozano - Emphasized that even if fish aren't present its still important to respect the fishing areas to help preserve akule spawning areas.

Armin Cullins - Stay outside, use common sense.

William Aila - Dive boats also honor this agreement, should we spell out dive charters?

Ale Tolentino - The practice actually started with the dive boats.

Kamaki Kanahele - Asked to move onto agenda item #6.

Carl Jellings - Don't forget that the Waianae community has been a fishing community over the years. The Waianae coast can feed twenty thousand to thirty thousand people a day with tuna, tens of thousands on akule on a good day.

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Victor Rapoza - Further commented on how many fish come from Waianae, fish will always be here if we allow them to spawn.

6. Chairperson Kahikina - Move onto agenda item #6.

William Aila - The term council as used in the Leeward Coast Advisory Council sounds so un-Waianae, recommends that the word council be changed to ohana.

Kamaki Kanahale - Ohana meaning is all encompassing, sky, land, sea, will have heavy mana.

Chairperson Kahikina - If we use ohana Kamaki Kanahale may want some land representatives on the body, hold for vote at next meeting. Rep. Kahikina thinks there should be community members, not necessarily elected representatives, however he'll serve if appropriate. He then read the existing makeup of the membership of the task force from the resolution.

Kamaki Kanahale - Be careful, too many people may become less effective, put those directly affected first, more than nine members would be nuts, the twenty-four on the neighborhood board is a nightmare. This issue impacts mostly on ocean people, consider any group that involves the water.

Victor Rapoza - The smaller the number the better, nine to eleven, tour operators, dive operators, commercial fishermen, trolling, bottom, trapping, netting, should be first.

Kamaki Kanahale - Need a number.

Victor Rapoza - Agree, need a number.

Chairperson Kahikina - We need to identify the number at the next meeting. Consider make up as follows: 1) akule fishermen, 2) tour, 3) dive operators, 4) bottom/trolling fishermen, 5) Ko'Olina, 6) Hawaii Institute of Marine Biology, UH, 7) marine mammal

Kevin Showe - Include pleasure cruises.

David Parsons - Consider including recreational boaters, maybe Wailua Boat Club.

Victor Rapoza - Consider using the Waianae Boat & Fishing Club.

David Parsons - Agree.

Chairperson Kahikina - recommends that the Waianae Boat & Fishing Club be number 8.

Ale Tolentino - How about a cultural member?

Joe Pickard - Consider canoe clubs.

Kamaki Kanahale - Consider adding an attorney.

Victor Lozano - Recommends that DOCARE (Division of Conservation & Resources Enforcement) be present at meetings, not necessarily as a member of the group.

Ale Tolentino - Commercial akule fishermen aren't the only fishermen impacted, other guys might get disturbed if not included, like Nanakuli shoreline fishermen.

Kamaki Kanahale - Let's finalize at the next meeting.

7. Chairperson Kahikina - Agenda for next meeting. We will finalize the make up of the council at the next meeting. We'll also consider changing the name of the Leeward Coast Advisory Council to the Leeward Coast Advisory Ohana at the next meeting. Also put approval of the

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minutes of the November 9, 2000 and November 17, 2000 meetings on the agenda for the next meeting. Also flesh out the draft report at the next meeting. The next meeting should also have us consider how to assign representatives to the council, selected or appointed. Finally we should consider titling the "gentlemen's agreement".

Kevin Showe - Offered a meeting room above Niblicks restaurant at the Ko'Olina golf course.

8. Chairperson Kahikina - By group consensus the next meeting will be November 30, 2000 at the meeting room above Niblicks restaurant at the Ko'Olina golf course, 92-1220 Aliinui Dr., Kapolei, HI 96707.

Alton Miyasaka - Use the December 8, 2000 meeting for a continuation of unfinished business or the November 30, 2000 meeting.

Chairperson Kahikina - Our report is due to the legislature 20 days prior to its start.

9. Chair Kahikina opened meeting to the public for any further comment. There was none and it was acknowledged that the chair allowed public comment throughout the meeting.

William Aila - Boating has jurisdiction for boaters, Aquatic Resources covers the resource.

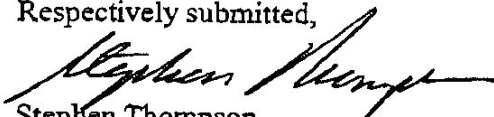
David Parsons - If the department has to conduct rule making, joint rules between Boating and Aquatic Resources can be adopted. Boating is responsible to reduce conflicting uses on the water, hopes the gentleman's agreement can work.

Victor Lozano - The Ohana could request DLNR to make rules.

Kamaki Kanahele - Hope you wouldn't do such a dangerous thing as ask DLNR to adopt rules, take care of each other. Don't involve outsiders, this will be most unique in Hawaii, be warned, don't adopt rules.

10. Meeting adjourned 3:30 p.m.

Respectively submitted,


Stephen Thompson

- Basic Outline of Leeward Ops -
- Areas is in section 402, 403 (Akule fishing)
Operators must be sensitive transiting
 - along coast, and work closely with fisheries vessels. transit off shore 40/50 fathoms 25 ft
- Enter into areas at right angles
- Work closely on channels 78a/68 so no conflict.
- Work closely with other watch vessels primary ch1 78a
- Pass location of pods to other interested parties.
- Approach and observe Dolphin areas smoothly, quietly, and slowly.
- ~~Observe from a distance 50 yds suggested~~
- Be concious, and watch for swimmers, divers enroute and at site.
- Work closely with Dive vessels also.
- Log: activity, amount, direction of travel, type of animal, daily in logs., Rate activity if possible
- Pass info along to WH personnel

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established pursuant to HCR 103, HD 1, SD 1., Twentieth Legislature, 2000

Ko'Oolina Golf Course Banquet Room above Niblicks Restaurant
92-1220 Aliinui Dr., Kapolei, HI 96707
1 p.m. - 4 p.m.

MINUTES
November 30, 2000

Note: Prior to meeting being called to order, Mr. Showe announced that Mr. Ken Williams will be representative for Ko'Oolina at the December 8th meeting.

1. The meeting was called to order by Representative Michael Kahikina, Task Force Chairperson. Chair Kahikina welcomed everyone.
2. Task force members present:
 - a. Mr. William Aila, Jr.
 - b. Mr. David Auwae, for Rep. Emily Auwae
 - c. Mr. Carl Jellings
 - d. Rep. Michael Kahikina
 - e. Mr. Kamaki Kanahele
 - f. Mr. Marc Lammers, Dr. Paul Nachtigall's alternate representative to the task force
 - g. Mr. Victor Lozano
 - h. Mr. Kevin Showe
 - i. Sen. Colleen Hanabusa, State Senator from the 21st Senatorial District
3. Others present included: Mr. William Blaisdell, Mr. John Creedon, Ms. JoAnne Kushima, Mr. Steve Martin, Mr. ⁵¹⁸Steve McLain, Mr. Alton Miyasaka, Ms. Nancy Murphy, Mr. Jody Nummer, Mr. Victor Rapoza, Ms. Kathy Wedge, Mr. Buzz Willauer, Mr. Ken Williams.
4. Members approval of the November 9th and 17th, 2000 meeting minutes with the following corrections:

November 17th:	Page 1	Item 4. 5th line should be predictable not predicable
	Page 2	4th line from bottom should be spinner dolphin not Waianae dolphin
	Page 3	8th line hatchet fish should be mictoehid.

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5. Discussion of "Gentlemen's Agreement". At last meeting roughed out concerns. Chair Kahikina passed out typed copy for overall discussion. Number 2 was discussed in detail. Concerns related included even if you don't see boat, still need to look out (Mr. Aila); Chair Kahikina distributed copies of the "Report to the Twenty-First Legislature Regular Session of 2001 on A Study of the Impact That Commercial Marine Mammal Watching Tours May Have on Commercial Fishing in Waters Off the Waianae Coast of Oahu so that we can reference the study to the "Gentlemen's Agreement". Mr. Miyasaka stated that there were physically three pages. He had the group refer to the bullets under the heading of Task Force Meetings. Mr. Miyasaka added the last item subsequent to a conversation he had with Steve Thompson, DLNR, Boating and Ocean Recreation. Although this had been mentioned in a previous meeting, the "Gentlemen's Agreement" had not referenced it. Input furnished by Mr. Aila, Mr. Jennings, Chair Kahikina, Mr. Miyasaka, Mr. Lammers, Mr. Showe, Mr. Willauer, Ms. Kushima, Mr. Williams, Mr. Nummer, Mr. Rapoza, Mr. Lozano.

Mr. Lammers expressed concerns of researchers and that they need to go through waters looking for dolphin making their needs different from others. There are days when they track all day, some part of a day. How will "Gentlemen's Agreement" impact research? Comments made by Messrs. Aila and Showe related to federal permits and the issuing agency and making them aware of the Agreement. Mr. Lammers wanted to be sure that we are all aware of needs of dolphin research.

Mr. Williams asked if the last bullet of the study (under Task Force Meetings) was necessary. Discussion ensued covering the transiting, spawning, future stock, minimum/maximum fathoms, and the reasons why the Task Force was formed. Mr. Showe stated the study reflects 50 fathoms whereas the "Gentlemen's Agreement" reflects 25 fathoms. Agreed to 40 fathoms transiting depth; as necessary, no less than 25 fathoms.

6. Chair Kahikina addressed item 4 on the agenda: Leeward Coast Advisory Council. Chair Kahikina passed out copies of draft attached for review and discussion began with:

Item number 1 of draft: Mr. Kanahele apologized for being late. Mr. Kanahele was the first to address comments on name change. He stated that if the name is to be Leeward Coast Fishing & Touring Ohana, he was speaking against. Suggested Leeward Coastal Advisory Ohana. "Coast" appears to label fishing and touring while cutting out other impacts on ocean (scuba and the seashore). Leeward Coast identifies people on land; Leeward Coastal includes the sea. Should have more flexibility with using Coastal. Chair Kahikina asked for any other suggestions. Input from the group included comments from Mr. Rapoza, Mr. Lozano, Mr. Aila, Ms. Kushima, Mr. Kanahele, Mr. McLain, Coast Guard representative Mr. Nummer. Chair

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Kahikina asked for motion. Mr. Kanahele made motion to change name to Leeward Coastal Advisory Ohana. Motion was seconded. Motion passed unanimously.

Item number 2 of draft: Number of Members. Following discussion and comments offered by Mr. Kanahele, Chair Kahikina, Mr. Rapoza, Mr. Lozano, Mr. Nummer, motion made to stay at 9 members. Motion seconded; unanimous to keep members at 9.

Item number 3 of draft: Membership. Mr. Kanahele stated that because of Ohana term meaning family, he recommended his name be withdrawn because of his ties with the community. Chair Kahikina asked for any remarks. Senator Hanabusa, Messrs. Blaisdell and Rapoza offered several recommendations having to do with the withdrawal of Mr. Kanahele and efforts to have him reconsider. Subsequent to much discussion, Mr. Kanahele reconsidered and agreed stay on as a member from the culture side as listed on draft-11/30/00.

Item number 4 of draft: Filling Vacancies. Senator Hanabusa stated that we do not need to formally address; should create our own governing unit in the best interests of the group. Motion to omit item 4. Kamaki Kanahele brought up that we need a voice to work with through the State. Senator Hanabusa advised she does not know of any formal entity but can introduce a concurrent resolution with DLNR to consult with advisory. Chair Kahikina said that's what we will do. Mr. Rapoza wanted to know if we could appoint a chairman. Chair Kahikina advised not at this meeting, but after the concurrent resolution has passed then collectively we can appoint. Senator Hanabusa brought up that our jurisdiction ends at 3 miles and that we can allow fisheries within three miles. Chair Kahikina stated that there was no further discussion.

7. Mr. Miyasaka referred to the draft study and that it should be read, studied and discuss what should and should not be included. He also informed the group that the minutes from the two previous meetings were not included. Chair Kahikina suggested that to expedite meeting, we should take home and read and have the changes by the next meeting. Mr. Blaisdell stated that we need to have changes submitted prior to next meeting so that the final draft can be ready for the December 8th meeting. Mr. Miyasaka furnished his phone and fax numbers. Mr. Kanahele asked if we have come close to purpose? Overall consensus was yes. Mr. Aila asked how the representatives feel about attaching minutes to study. Chair Kahikina suggested we add the minutes to the final study. Senator informed the group that it is recommended to include minutes. Mr. Showe recommended the addition of Mr. Lammers be added as a participant. Mr. Willauer agreed. It was unanimous that Mr. Lammers be included as a participant. Chair Kahikina asked the Task Force if there were any other questions. At this point, Mr. Aila questioned the recommendation from the Task Force stating that there was no need for general as well as special permits. Discussion ensued and the final report should indicate that the Task

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added "Force Recommends"

special permits are not needed at this time. Chair Kahikina said no change to existing. Mr. Miyasaka further informed the group that he needed any changes to the study as soon as possible. Deadline set for Tuesday, December 5th. If anyone calls or faxes after the December 5th date, changes will not be accepted.

8. Chair Kahikina opened meeting to public for any further comment. There was none and it was acknowledged that the chair allowed public comment throughout the meeting.

9. Meeting adjourned at 3:15 p.m.

Respectfully submitted,


Nancy E. Murphy

Task Force To Study The Impact of Commercial Marine Mammal Watching Tours
On Commercial Fishing Along The Waianae Coast
established pursuant to HCR 103, HD 1, SD 1., Twentieth Legislature, 2000

Ko'Olina Golf Course Banquet Room above Niblicks Restaurant
92-1220 Aliinui Dr., Kapolei, HI 96707
1 p.m. - 4 p.m.

MINUTES
December 8, 2000

1. The meeting was called to order by Representative Michael Kahikina, Task Force Chairperson. Chair Kahikina welcomed everyone.

2. Task force members present:
- a. Mr. William Aila, Jr.
 - b. Rep. Emily Auwae
 - c. Mr. Carl Jellings
 - d. Rep. Michael Kahikina
 - e. Mr. Victor Lozano
 - f. Mr. Ken Williams for Mr. Kevin Showe

Members not in attendance were Mr. Kamaki Kanahale, Dr. Paul Nachtigall, Mr. Marc Lammers, and Senator Colleen Hanabusa.

3. Others present included Mr. William Blaisdell, Mr. Jim Byrem, Mr. Armin Cullins, Ms. Patty Hill, Ms. Marilyn Kurshals, Ms. JoAnne Kushima, Mr. James Manaku, Ms. Rhoda Lindsay, Ms. Nancy Murphy, Mr. Victor Rapoza, Mr. Ale Tolentino, Mr. Buzz Wallauer, and Ms. Kathy Wedge.

4. Prior to the approval of the November 30, 2000 meeting minutes, concerns were brought to the attention of the Task Force by a guest, Mr. James Manaku. He addressed Makua Beach and the bigger boats coming in and how to prevent future problems. Comparison to the Na Pali Coast was mentioned and his concern with "special permits are not needed at this time". Chair Kahikina explained the intent and purpose of the Task Force and history to date. We want to focus on addressing concerns at hand. Mr. Manaku wanted to know how many boats can we handle before we have a problem. Mr. Lozano explained to Mr. Manaku that the group is afraid that limiting permits may cut off opportunity for locals. This group formed an advisory board to start looking at potential problems and solutions. Mr. Manaku went on to say that children are not as responsible as we were taught and do not use dive flags. Mr. Cullins said no permits are being recommended. Responsibility is on the captains and they agree to operate in a certain manner. We are trying to stay as close to the Gentlemen's Agreement as possible. Chair Kahikina brought everyone back to the process at hand. Mr. Cullins also wanted to know who will be enforcing. Mr. Jellings said he hoped everyone will cooperate so we do not have to stop

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or interrupt operations. Chair Kahikina advised we have had prior discussions as they pertain to the Gentlemen's Agreement. Mr. Rapoza said if there is a dispute, we bring people together to discuss. But, we still need to have Coast Guard as the upper hand as a last resort. Commander Hill, U.S. Coast Guard, informed the group that the Coast Guard has no jurisdiction. They are sensitive and embrace the situation, but no enforcement is authorized as this is a State issue. Mr. Aila suggested we look at how it is being enforced now. We are not experiencing problems with the way we are managing now. Mr. Rapoza said we will need to handle the problems. If we cannot work out, then we will need State enforcement. Chair Kahikina said he hoped we do not get to that point. The Department of Land and Natural Resources is involved and encourages cooperation. Mr. Williams informed the group that in spirit we agree to rules. When there is a problem it usually involves a new person and their lack of knowledge. It is fair for all if we keep the Gentlemen's Agreement. Mr. Lozano said the advisory board is trying to get going and that Mr. Aila always works with everyone. Rep. Auwae said the board is good because fishermen can report what is going on. Chair Kahikina stated that we agree. Ms. Kurshals wanted to know what the component is for the draft to be distributed and asked about #6 on the Gentlemen's Agreement. Mr. Lozano informed Ms. Kurshals that the operators inform each other where the pods are. We work together and don't look for individuals. It's better to work together and get in and get out. Mr. Willauer said we compete on shore, on water we work hand in hand to protect the stock and dolphin. We adhere to the federal laws and state rules. Chair Kahikina stated that as a representative, he hopes operators are looking at other operators on the ocean as a safety issue. Mr. Williams made a motion to approve November 30, 2000 meeting minutes. Rep. Auwae seconded motion; unanimous approval with the following corrections.

- Page 1 Item 3 Mr. Steve McLain's first name should reflect Sid.
- Page 1 Item 4 spelling corrected to reflect myctophid
- Page 3 Item 7 last line add "Force recommends"

5. Chair Kahikina moved the group to item 4 of the agenda and asked if there was any unfinished business from the November 30, 2000 meeting. There was none and the meeting moved on to item 5 on the agenda.

6. Ms. Kushima advised that the draft handout on the table is not the same draft that was sent out. The draft on the back table is the revised one and represents two items that were called in. One was referred by Mr. Aila of no need for general use permits versus current need. The second was from Mr. Blaisdell noting that the second bullet under the Task Force Meeting should read "operators and researchers". Chair Kahikina asked if there was any other discussion. Mr. Rapoza asked if this was just a matter of acceptance today. Chair Kahikina shared with the group that he thought there should be some extra "umph" and discussion ensued concerning the

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last sentence of the draft under Final Recommendations and thought a motion should be made to add to the last sentence. After discussion of concerns with the legislative and the concurrent resolution processes, it was decided the only change to be made was to change the word "should" to "shall" in the last sentence of the Final Recommendations as recommended by Mr. Willauer. Mr. Blaisdell agreed that "shall" replaces "should". Mr. Lozano agreed with the situation and made a motion to use "shall". Chair Kahikina advised we should omit his recommendation and change "should" to "shall" and asked for the motion to be seconded. Rep. Auwae seconded; motion passed unanimously. Victor Rapoza made a motion to accept the report, Mr. Lozano seconded; motion passed unanimously. Many thanks were extended and Mr. Rapoza stated we should keep Gentlemen's Agreement going and be watchdogs within ourselves. Chair Kahikina said there would be no concurrent resolution at this time. DLNR will see that long term ohana is put in place. Ms. Kushima suggested that if the problem became a boating issue, we need to contact Boating. Mr. Rapoza wanted to know if it passes, how do we know it went through. Chair Kahikina informed us that this is a working report. It's done; pau. The group will continue to work and if we want more legislation, we will need concurrent resolution. Mr. Rapoza made a motion to appoint Mr. Aila as president; most in favor. Chair Kahikina advised that we have completed the Task Force requirement. The rest is for the ohana board and to work with DLNR. Thanks to everyone for their cooperation. Ms. Kushima wanted to know how do we approve today's meeting minutes. It was agreed upon that once Ms. Murphy has the meeting minutes completed, she will get them to Mr. Aila and he will make sure everyone gets a copy. Package needs to be in chairperson's office by no later than December 15, 2000. Mr. Lozano made a motion that once the minutes are distributed and if there is no response to corrections, additions, deletions, the minutes would be approved. Rep. Auwae seconded motion; no further discussion. Motion passed. Representative Auwae thanked everyone for coming and their work.

7. Meeting was adjourned at 2:30 p.m.

Respectfully submitted,



Nancy E. Murphy